ACT No. XV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th November, 1903.)

An Act to consolidate and amend the law relating to the Extradition and Rendition of Criminals.

33 & 34 Vict., c. 52; 36 & 37 Vict., c. 60; 44 & 45 Vict., c. 69.

WHEREAS it is expedient to provide for the more convenient administration in British India of the Extradition Acts, 1870 and 1873, and of the Fugitive Offenders Act, 1881;

and whereas it is also expedient to amend the law relating to the extradition of criminals in cases to which the Extradition Acts, 1870 and 1873, do not apply;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Extradition Act, 1903.

(*2*) It extends to the whole of British India (including British Baluchistan, the Santhal Parganas and the Pargana of Spiti); and

(*3*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, may direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "European British subject" means a European British subject as defined by the Code of Criminal Procedure for the time being in force:

(*b*) "extradition

(*b*) "extradition offence" means any such offence as is described in the first schedule :

(*c*) "Foreign State" means a State to which, for the time being, the Extradition Acts, 1870 and 1873, apply : 33 & 34 Vict., c. 52; 36 & 37 Vict., c. 60.

(*d*) "High Court" means the High Court as defined by the Code of Criminal Procedure for the time being in force :

(*e*) "offence" includes any act wheresoever committed which would, if committed in British India, constitute an offence : and

(*f*) "rules" include prescribed forms.

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES.

Requisition for surrender.

3. (*1*) Where a requisition is made to the Government of India or to any Local Government by the Government of any Foreign State for the surrender of a fugitive criminal of that State, who is in or who is suspected of being in British India, the Government of India or the Local Government, as the case may be, may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.

Summons or warrant for arrest.

(*2*) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.

Inquiry by Magistrate.

(*3*) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session or High Court,